

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,

Petitioner,

v.

WARDEN, San Quentin State Prison,

Respondent.

No. 2:01-cv-0507 MCE DB

DEATH PENALTY CASE

ORDER

In response to the undersigned's October 12, 2023, order (ECF No. 633), the parties submitted a joint statement regarding discovery in advance of the evidentiary hearing. (ECF No. 636.) The parties indicated that due to circumstances beyond their control they have yet to conduct depositions of petitioner's neuropsychologist, respondent's psychiatrist, and petitioner's trial counsel.

The court also notes that petitioner has again requested a referral for mediation. As the court previously stated, it will not refer this action for mediation unless both parties express a willingness to participate.

Accordingly, and good cause appearing, IT IS HEREBY ORDERED that:

1. Petitioner's request for a court order directing the parties to participate in mediation is denied without prejudice; and

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- 1 2. The parties shall file a joint statement on or before August 2, 2024, explaining whether the
2 depositions of Dr. Miora, Dr. Stewart, and Attorney Russell Swartz have been conducted
3 or are scheduled and proposing a plan for final discovery deadlines in advance of the
4 evidentiary hearing.

5 Dated: May 30, 2024

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9 DEBORAH BARNES
10 UNITED STATES MAGISTRATE JUDGE
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